

**REMARKS**

Applicant respectfully requests reconsideration and favorable action on the subject application. Claims 1-4, 6-7, 9-14 are pending in the application.

**Claim Rejections under 35 U.S.C. § 103****Claims 1-4, 6-7, and 9-12**

As stated on page 2 of the Action, claims 1-4, 6-7, and 9-12 stand rejected as being unpatentable over Japanese Patent Publication No. JP 11077606 (hereinafter "Kubota"), in view of U.S. Patent No. 6,584,201 to Konstantinou et al. (hereinafter "Konstantinou"). Applicant respectfully traverses this rejection.

**Independent claim 1** is amended to clarify features of the apparatus. These revisions are supported by the originally-filed specification under 35 U.S.C. § 112, 1<sup>st</sup> paragraph, at least by Figure 2 in its entirety, by blocks 52 and 54 shown in Figure 3, and by switch 74 shown in Figure 4. Related discussion appears in paragraphs 20-23 of Applicant's written description.

Claim 1 is reproduced here for convenience, with redlines shown:

1. An apparatus for generating a muting signal, the apparatus comprising:

a training mode on/off switch;

an audio signal detector for remotely receiving an audible ring signal transmitted via an acoustic medium; and

a processor in communication with the detector, wherein the processor is configured to:

convert the received audible ring signal into a digitized received audio ring signal;

in response to a first setting of the training mode on/off switch, store the digitized received audio ring signal in one of a memory device and a storage device associated with the processor as a predetermined digitized audio ring signal;

in response to a further setting of the training mode on/off switch, compare the digitized received audio ring signal with one or more predetermined digitized audio ring signals, wherein each of the one or more predetermined digitized audio ring signals is associated with a corresponding device and is pre-stored in one of a—the memory device and a—the storage device associated with the processor; and

generate a muting signal based on the comparison when at least a component of the digitized received audio ring signal matches one of the one or more pre-stored predetermined digitized audio ring signals.

Kubota and Konstantinou do not disclose a training mode on/off switch, and thus do not teach or suggest training an audio device to recognize ring tones other than those stored previously in the audio device, for example, by the manufacturer of the audio device. In rejecting claim 1 as it formerly stood, the Action cited Kubota and Konstantinou, but as stated above, these references neither teach nor suggest apparatus having a training mode.

Based on the foregoing, Applicant requests reconsideration and withdrawal of the § 103 rejection of claim 1. Claims 2-4 depend from claim 1, so these comments apply equally to these claims.

Independent claims 6, 9, 10, and 11 are amended to clarify features of the apparatus and method, and these revisions are believed supported on the same basis as were the revisions to claim 1 above. The revisions made to claims 6, 9, 10, and 11 are similar to those made above to claim 1, and the comments directed to claim 1 are equally applicable to claims 6, 9, 10, and 11. Based on the foregoing, Applicant requests reconsideration and withdrawal of the § 103 rejection of claims 6, 9, 10, and 11. Claim 7 depends from claim 6, so these comments apply equally to claim 7. Claim 12 depends from claim 11, so these comments apply equally to claim 12.

#### Dependent Claim 13

As stated on page 6 of the Action, dependent claim 13 stands rejected as being unpatentable over Kubota and Konstantinou in view of U.S. Patent No. 6,476,878 to Lafay (hereinafter "Lafay"). Applicant respectfully traverses this rejection.

Claim 13 depends from claim 11, so the comments directed to claim 11 above apply equally to claim 13. In reviewing the rejection of claim 13 as stated on page 6 in the Action, Applicant agrees that Kubota and Konstantinou do not teach or suggest a muting on/off switch. Thus, the Action cited Lafay for this

teaching. However, even assuming that Lafay discloses a mute switch for a television system, this does not teach or suggest the features discussed above in connection with claim 1, which are equally applicable to claim 13. Based on the foregoing, Applicant requests reconsideration and withdrawal of the § 103 rejection of claim 13.

Dependent Claim 14

As stated on page 7 of the Action, **dependent claim 14** stands rejected as being unpatentable over Kubota and Konstantinou in view of U.S. Patent No. 5,777,571 to Chuang (hereinafter "Chuang"). Applicant respectfully traverses this rejection.

Claim 14 depends from claim 11, so the comments directed to claim 11 above apply equally to claim 14. In addition to those comments, however, Applicant has amended claim 14 as indicated below, with redlines shown:

14. The audio device of claim 11, further comprising a storage key that is operative to assign a storage location to the digitized received audio ring signal in response to a first setting of the training mode on/off switch.

Applicant has commented on Chuang above in connection with claim 1. These same comments apply equally to claim 14. In addition, however, Applicant comments further on claim 14 as follows.

In reviewing the rejection of claim 14 as stated on page 7 of the Action, Applicant agrees that Kubota and Konstantinou fail to specifically disclose a training mode on/off switch. Thus, the Action cited Chuang for this teaching. However, even assuming that, as stated in the Action, Chuang discloses a training control switch 331 which indicates a training mode on/off switch, Chuang does not teach or suggest a storage key that is operative to assign a storage location to the digitized received audio ring signal in response to a first setting of the training mode on/off switch, as recited in claim 14. Based on the foregoing, Applicant requests reconsideration and withdrawal of the § 103 rejection of claim 14.

### Conclusion

Applicant requests prompt and favorable action on this application at the earliest convenience of the Office. If any issue remains unresolved that would prevent allowance of this case, the Examiner is requested to contact the undersigned attorney to resolve the issue.

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Respectfully Submitted,

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